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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,357

Applicant(s)

ROCKETT ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-9 and 14-20 in the reply filed on 11/14/05 is acknowledged. The traversal is on the ground(s) that that claim 1 is generic and all the claims depend on claim 1 which "may" be patentable. This is not found persuasive because the claim ~~or~~ is not generic as the applicant insists. Claim 1 is an independent claim different from independent claim 10. Both claims 1 and 10 belong to two distinct patentable groups.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 10-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 11/04/05.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda (US 2002/0174360).

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Regarding claim 1, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses a method for automated enrollment and activation of a mobile telematics system (1, 200) comprising:

receiving a customer data record of a customer at a communication services database;

determining a command signal based on the customer data record;

sending the command signal to a telematics unit of a vehicle;

enrolling the customer in a telematics-unit access system based on the command signal;

and

activating the telematics unit of the telematics-unit access system based on the command signal.

Regarding claim 2, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses the method of claim 1 wherein sending a command signal to the telematics unit of a vehicle further comprises:

sending the command signal from an external telematics database to a communication services manager in a telematics call center; and

sending the command signal from the communication services manager in the telematics call center to the telematics unit of a vehicle.

Regarding claim 3, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses the method of claim 1 wherein sending a command signal to a telematics unit of a vehicle further comprises:

sending the command signal from a communication services database in a telematics call center to a communication services manager in the telematics call center; and

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sending the command signal from the communication services manager in the telematics call center to the telematics unit of a vehicle.

Regarding claim 4, Ikeda (fig. 13; sections 0281-0298) discloses the method of claim 1 wherein the customer data record is received from a source selected from the group consisting of: an enrollment website, the customer delivery record at a vehicle dealership, a telephone line or 5 from the telematics unit.

Regarding claim 5, Ikeda (fig. 13; sections 0281-0298) discloses the method of claim 1 wherein the customer data record is obtained in segments received from more than one source.

Regarding claim 6, Ikeda (fig. 13; sections 0281-0298) discloses the method of claim 1 wherein the command signal includes customer data.

Regarding claim 7, Ikeda (fig. 13; sections 0281-0298) discloses the method of claim 1 wherein the command signal includes customer-desired features to be activated in the telematics unit access system.

Regarding claim 8, Ikeda (fig. 13; sections 0281-0298) discloses the method of claim 7 wherein the customer-desired features are selected from the group consisting of navigation assistance, real-time traffic advisories, directory assistance, roadside assistance, business or residential assistance, information services assistance, emergency assistance, and communications assistance, vehicle personalization, vehicle data upload, vehicle data download, unlock/lock vehicle, flash lights, honk horn, pedorm diagnostic functions and perform vehicle tracking functions.

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Regarding claim 9, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses the method of claim 1 wherein activating the telematics unit of the 25 telematics-unit access system setup further comprises configuring the hardware of the telematics unit in the vehicle.

Regarding claim 14, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses a telematics-unit access system comprising:

- means for receiving a customer data record at a communication services database;
- means for determining a command signal based on the customer data record;
- means for sending the command signal to a telematics unit of a vehicle;
- means for enrolling the customer in a telematics-unit access system based on the command signal; and
- means for activating the telematics unit of the telematics-unit access system based on the command signal.

Regarding claim 15, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses the telematics-unit access system of claim 14, further comprising:

- means for sending the command signal from an external telematics database to a communication services manager in a telematics call center; and
- means for sending the command signal from the communication services manager in the telematics call center to the telematics unit of a vehicle.

Regarding claim 16, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses the telematics-unit access system of claim 14, further comprising:

- means for sending the command signal from a communication services database in a telematics call center to a communication services manager in the telematics call center; and

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sending the command signal from the communication services manager in the telematics call center to the telematics unit of a vehicle.

***Allowable Subject Matter***

5. Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

In claim 17, the prior art does not disclose “determining whether vehicle is powered up, sold, and a customer associated with the customer data record is in the vehicle with a dealer.

In claim 18, the prior art does not disclose the limitation “determining whether a subscriber associated with the customer data record has used the telematics-unit access system”.

In claim 19, the prior art does not disclose “performing a preliminary activation”.

In claim 20, the prior art does not disclose “associating a vehicle identification number with an electronic serial number of a cell phone”

***Response to Arguments***

7. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

The applicant is arguing that the prior art does not disclose all the limitations of the claims and therefore does not anticipate the claims. The applicant further stated that the claim language calls for “a telematics system”, which “telematics system” is defined in the

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specification to comprise: a signal digital processor connected to a wireless modem, a global positioning system, a memory, a microphone speakers, and an in-vehicle phone. In response, the examiner disagrees. The applicant is reading limitations from the specification into the claims not supported by MPEP. It is further noted that the pending claims are method claims and applicant's arguments are drawn to structural limitations. The prior art is only required to be capable of performing the method limitations.

It is therefore believed that the rejections are proper and stand.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Communication***



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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronnie Mancho  
Examiner  
Art Unit 3663

1/13/06

  
JACK KEITH  
SUPERVISORY PATENT EXAMINER